



Welcome to the California Department of Public Health Refugee Health Program's Annual Meeting 2009



Proposed Amendment

- Definition of a communicable disease of public health significance
 - Individuals with HIV would no longer require a waiver for entry into the United States
- Scope of examination
 - Remove testing for HIV as part of the U.S. immigration medical screening process





Proposal: Remove HIV from List of Communicable Disease of Public Health Significance



CDC Rational:

- HIV does not represent a communicable disease that is a significant threat for introduction, transmission, and spread to the U.S. population through casual contact
- Change would reflect current scientific knowledge and public health best practices



Remove HIV from List of CDPHS



- CDC Rationale cont'd
 - HIV already exists in the U.S. as an endemic disease
 - Will reduce stigmatization and discrimination against people who are HIV-infected





Remove HIV From List of CDPHS

- CDC Rationale Cont'd
 - Requiring mandatory testing is inconsistent with the current practice of HIV screening in the U.S.



Legal Authority

- HHS/CDC is promulgating this rule under the authority of
 - 42 U.S.C. section 252 and,
 - 8 U.S.C. sections 1182 and 1222





Background

- Section 212 (a)(1) of INA (8 U.S.C. section 1182 (a)(1):
 - Any alien determined to have a communicable disease of public health significance is inadmissible to the United States
 - Inadmissibility for health-related grounds also pertains to aliens applying for adjustment of status to lawful permanent resident

Current Communicable Diseases of Public Health Significance

- Active tuberculosis, infectious syphilis, gonorrhea, infectious leprosy, chancroid, lymphogranuloma venereum, granuloma inguinale, and HIV infection
- Quarantinable, communicable disease specified by Executive Orders. Currently this is: Pandemic Flu, SARS, viral Hemorrhagic fevers, cholera, diphtheria, infectious TB, plague, smallpox, and yellow fever

Current Communicable Diseases of Public Health Significance

- A communicable disease that may pose a public health emergency of international concern according to the World Health Organization's International Health Regulations



Current Requirements

- Applicants testing positive for HIV must obtain a waiver from the Dept of Homeland Security
- Authority for this is under INA sections 207(c) (3), 212 (d) (3) (A) and 212 (g) (8 U.S.C. 1157(c) (3), 1182(d) (3) (A) and 1182 (g))



Projections of HIV- Infected With Rule Change

- 4,275 HIV-infected persons would immigrate each year to the United States (4.06 persons per 1000)
- 37,780 additional HIV-infected persons in the U.S. This number includes both arrival of HIV-infected immigrants and those infected in the U.S. due to onward transmission
- Annual treatment costs are estimated at \$25,200 in 2004 dollars with a range of \$19,000 to 30,954. Average life expectancy of 29 years (to age 49 years)



Screening for HIV

- **Testing or referral for HIV testing**
 - Process is voluntary
 - Separate client consent is not required (California Assembly Bill 682, effective January 1, 2008)
 - Providers should:
 - Inform patient that test is planned
 - Provide information about the test
 - Inform patient of treatment options & further needed tests
 - Advise patient of their right to decline
 - Document patient refusal to test in the medical record



HIV Reporting

- Health and Safety [H&S] Code Section 121022 requires that health care providers and laboratories report cases of HIV infection by name to the local health officer, and that local health officers report unduplicated HIV cases by name to CDPH/OA



HIV/AIDS Confidential Public Health Records

- **Written Authorization Requirements and Disclosure of HIV Test Results**
Written authorization applies only to disclosure of test results by a person responsible for the care and treatment of the person subject to the test. Written authorization is *required for each separate disclosure of the test results, and must include to whom the disclosure would be made.*



HIV/AIDS Confidential Public Health Records

- **In 2006, SB 699 amended Health and Safety Code Section 121025(a) to include:**

HIV-related public health records (paper or electronic) to the already protected confidentiality of AIDS-related public health records. Public health records relating to HIV or AIDS, containing personally identifying information that were developed or acquired by state or local public health agencies or an agent of such an agency, shall be confidential and shall not be disclosed, *except as provided by law for public health purposes or in accordance with a written authorization by the person who is the subject of the record or by his or her guardian or conservator.*

Submit Comments

- Written comments identified by docket No. CDC-2008-0001:
 - Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, U.S. Dept of Health and Human Services
Attn: Part 34 NPRM Comments, 1600 Clifton Road,
N.E., MS E-03, Atlanta, Georgia, 30333
- Electronic Comments:
 - Via internet at: <http://regulations.gov> or
 - Via email at: Part34HIVcomments@cdc.gov

Written comments must be received on or before August 17, 2009. Comments received after this date will be considered to the degree possible.

View Comments

- <http://www.cdc.gov//ncidod/dq>
- <http://www.globalhealth.gov>
- **For More Information:**

Stacy M. Howard, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, U.S. Dept of Health and Human Services, 1600 Clifton Road, N.E., M.S. E-03, Atlanta, Georgia 30333

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